IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

MACA.No. 1578 of 2007

OPMV.227/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, VADAKARA
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APPELLANT/SECOND RESPONDENT

K.P.CANDRABHANU,
S/O.K.V.NARAYANAN, CENTRAL WORKMAN,
HINDUSTAN PETROLEUM COMPANY LTD.,
KOZHIKODE DISTRICT.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS: CLAIMANTS/RESPONDENTS 1 AND 3
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1. KAMALA, W/O.CHANDRAN (LATE),
AGED 51 YEARS, MADAKKANDARI MEETHAL HOUSE,
KURUVANGAD POST- 673 520, KOYILANDY TALUK.

2. SINDHU, D/O.KAMALA,
AGED 30 YEARS, MADAKKANDARI MEETHAL HOUSE,
KURUVANGAD POST- 673 520, KOYILANDY TALUK.

3. SAVITHRI, W/O.BHASKARAN,
AGED 48 YEARS, KUZHICHALIL HOUSE,
PANTHALAYANI AMSOM AND DESOM,
PERUVATHOOR P.O., KOYILANDY- 673 620.

4. DINESHAN, (CORRECT NAME IS DINESH C.K.),
S/O.SEKHARAN, AGED 40 YEARS, CHETTI KULATHIL HOUSE
VIYYUR, P.O. KOLLAM, KOYILANDY.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 1578 of 2007
& C.M. Appln. 1577 of 2007

Dated: 7th September 2007

JUDGMENT

Radhakrishnan, J.

There is a delay of 673 days in filing the appeal. We have perused the affidavit filed in support of the petition. Sufficient grounds have not been made out to condone the delay. The appeal is preferred by the owner of the vehicle. It is clear from the award itself that the owner has not adduced any oral or documentary evidence in support of his contention before the Tribunal. Therefore, on facts also second respondent is not entitled to succeed. In such circumstances, both on the ground of delay and merits we find no ground to entertain this appeal. The petition to condone the delay is dismissed. Consequently the appeal is also dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

07/09/2007en [true copy]